

RESOLUTION NO. 12-134

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN AND DISABILITY PRESUMPTION REFORMS TO MAKE THE PLANS SUSTAINABLE, SOUND AND SECURE FOR CURRENT AND FUTURE POLICE OFFICERS AND FIREFIGHTERS.

WHEREAS, the City of Hialeah and its elected officials deeply honor and respect the services provided and sacrifices made by police officers and firefighters, and commits to providing a sound, sustainable and reliable pension system for current and future police officers and firefighters; and

WHEREAS, the City of Hialeah and its elected officials support responsible pension reforms that will protect the viability of the pension plan for police officers and firefighters; and

WHEREAS, the City seeks reasonable and responsible changes to state law to level the playing field and allow cities to determine and implement pension reform at the local level; and

WHEREAS, in 2011, the Florida Legislature created a task force to study issues with respect to various police officer and firefighter disability presumptions; and

WHEREAS, the 2011 legislation did not address the 1999 legislative mandate to perpetually provide “extra” pension benefits to police and firefighters with insurance premium tax revenues; and

WHEREAS, in 1999, the Florida Legislature amended Chapters 175 and 185, Florida Statutes, to require that additional city insurance premium tax revenues (taxes on property and casualty insurance premiums) over a base amount be used to provide only “extra” pension benefits to police officers and firefighters. An “extra pension benefit” was defined as a greater benefit that was provided in general city employees. This mandate required cities to provide more than \$520 million in new extra benefits since 1999; and

WHEREAS, the City urges the Florida Legislature to eliminate this state mandate because the City needs the flexibility to use insurance premium tax revenues for the current or a decreased level of police and firefighter pension benefits to meet budget constraints and increased pension costs; and

WHEREAS, the unsustainable state mandate has restricted a municipality’s ability to negotiate reduced benefits below 1999 level for police officers and fire fighters at the risk of forfeiting insurance premium tax revenues; and

WHEREAS, in addition, the state-created disability presumptions relating to health conditions (heart disease, hypertension or tuberculosis) as being job-related in connection with workers' compensation and disability pension claims by police officers and firefighters have created opportunities for abuse; and

WHEREAS, the City and its elected officials fully support the recommendation of the State Task Force to provide that the presumption may be rebutted by a preponderance of evidence and to allow factors such as tobacco or alcohol use, weight, diet, genetics and lifestyle choices be considered in evaluating the claimed presumption; and

WHEREAS, the City also supports more fiscal transparency or accountability regarding independent boards of trustees in connection with the operation of pension plans, especially in light of the fact that the City underwrites its operational costs and is ultimately responsible for paying pension benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby incorporated and adopted by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby supports responsible police and firefighter pension and disability presumption reforms to ensure sound, secure and stable pensions will exist for current and future police officers and firefighters.

Section 3: The City of Hialeah, Florida hereby urges the Florida Legislature to remove the state mandate for cities to perpetually provide new, "extra" benefits to police officers and firefighters with insurance premium tax revenues provided under Chapter 175 or 185, Florida Statutes.

Section 4: The City of Hialeah, Florida hereby urges the Florida Legislature to allow cities to provide pension reform for police officers and firefighters and continue to receive insurance premium tax revenues to pay for retirement expenses.

Section 5: The City of Hialeah, Florida hereby urges the Florida Legislature to amend current statutory disability presumptions for firefighters, law enforcement and correctional officers relating to health conditions caused by tuberculosis, heart disease or hypertension to allow the presumption to be overcome by a preponderance of evidence, and allow certain individual risk factors to be considered when applying the presumption.

Section 6: The City of Hialeah, Florida hereby requests that the Florida Legislature adopt and operate under an administrative expense budget, and require a detailed accounting of pension boards of trustees' expenses.

Section 7: The City of Hialeah, Florida hereby urges the Florida Legislature to pass and the Governor to approve the foregoing pension reform recommendations and disability presumption changes in the 2012 Legislative session.

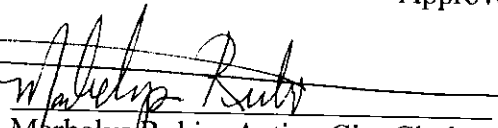
Section 8: The Acting City Clerk of the City of Hialeah, Florida is hereby directed to transmit a copy of this Resolution to Governor Rick Scott, the Florida Legislature and the Florida League of Cities, Inc.


PASSED AND ADOPTED this 11 day of December, 2012.

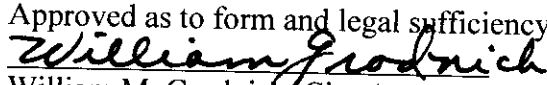

Isis Garcia-Martinez
Council President

Attest:

Approved on this 13 day of December, 2012.


Marbelys Rubio, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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Resolution was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".